

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

ABILENE DIVISION

TSEPHANYAH Y. HAWKINS,  
et al,

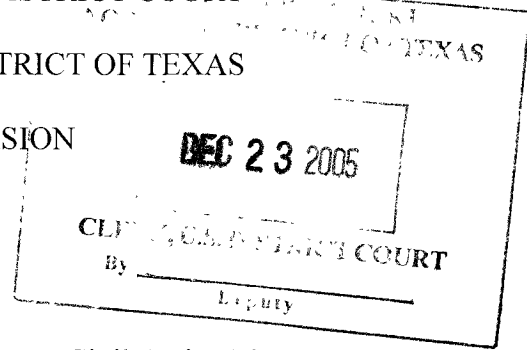
Plaintiffs,

v.

THE HONORABLE JOHN W. WEEKS,  
et al.,

Defendants.

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Civil Action No.,

1:05-CV-184-C

**PLAINTIFFS' BRIEF SUPPORTING THEIR MOTION FOR LEAVE TO SURREPLY  
TO OR TO STRIKE THE REPLY BY DEFENDANTS MARILYN GARDNER, JOHN  
CHISTOLINI, AND CHISTOLINI AND DESIMONE, INC.**

**I FACTUAL AND PROCEDURAL BACKGROUND**

On October 31, 2005, Defendants Marilyn Gardner, John Chistolini, and Chistolini and DeSimone, P.C. ("Defendants") filed a motion to dismiss for lack of personal jurisdiction. In response, Plaintiffs requested leave of court for an extension of time to respond to that motion. That leave was granted. On December 7, 2005, pursuant to leave of court, Plaintiffs responded to Defendants' motion to dismiss. On December 20, 2005, Defendants filed a reply to Plaintiffs' response. The record reflects neither a request nor the granting of leave of court for that reply.

**II ARGUMENT**

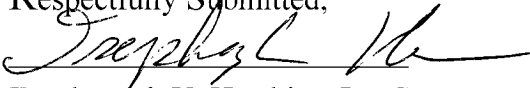
"Judge Cummings will entertain only motions and responses but no replies unless otherwise ordered." *Requirements for District Judge Sam R. Cummings* II B. "Unless otherwise directed by the presiding judge, a party who has filed an opposed motion may file a reply brief within 15 days from the date the response is filed." LR 7.1(4).

Within 15 days after the filing of Plaintiffs' relevant response, Defendants neither requested nor received leave of court to file a reply. Therefore, Defendants' Reply should be stricken.

### **III CONCLUSION**

Accordingly, Plaintiffs request that the Court strike Defendants' Reply, or grant Plaintiffs leave to surreply, and for any further relief to which they are entitled should be granted.

Respectfully Submitted,



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**CERTIFICATE OF SERVICE**

This is to certify that on this 23<sup>rd</sup> day of Dec, 2005, a true and correct copy of the foregoing was served on the following as stated below:

**BY CERTIFIED US MAIL FIRST CLASS RETURN RECEIPT REQUESTED:**

**Mark J Zimmermann**

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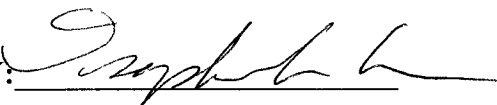
**IN PERSON DELIVERY**

**Yahchanan Hawkins**

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**CERTIFIED BY:**



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**\*\*\* CAREER OPPORTUNITY \*\*\***



**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

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<b>Position Title:</b>	<b>Docket/Intake Clerk 06-02</b>
<b>Starting Salary:</b>	<b>CL 24/25 - \$31,166 - \$43,025</b> <i>*Depending upon education and experience</i>
<b>Location:</b>	<b>Fort Worth, Texas</b>
<b>Closing Date:</b>	<b>January 06, 2006 or until filled</b>

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**POSITION OVERVIEW:** The United States District Court for the Northern District of Texas is recruiting for a Docket/Intake Clerk for the Fort Worth office. The incumbent maintains the official case events summary on the docket from opening to final disposition for assigned chambers. The incumbent also provides regularly assigned backup to the Intake Section of the office.

**QUALIFICATIONS:** To qualify for this position the incumbent must have:

- Two years specialized experience.
- Broad knowledge of the purpose and content of each document or event to summarize, make docket entries and take appropriate actions.
- Good knowledge of applicable procedural rules.
- Skill in the use of CM/ECF, QCS, File Scout, Word Perfect, Lotus Notes, and the Internet.
- Ability to communicate information accurately and in a timely manner to individuals within and outside the judiciary court unit.
- High school diploma or equivalent required.
- Bachelor's Degree in Business or Public Administration, Political Science, Criminal Justice, Law or, other closely related field preferred.

**BENEFITS:** Employees of the U.S. District Court are entitled to benefits which include participation in the Federal Employees Retirement System, choice of a health benefit plan from several options, life insurance, annual/sick leave, federal holidays, and periodic salary increases. This position is subject to mandatory Electronic Funds Transfer for payment of net pay. The final candidate will be subject to a background investigation by law enforcement agencies, which includes FBI fingerprinting.

Qualified applicants may submit a detailed resume and salary history to:

**Human Resources - #06-02**

United States District Clerk's Office  
1100 Commerce Street, # 1452

Dallas, TX 75242

Fax: (214) 753-2247

Email: [human\\_resources@txnd.uscourts.gov](mailto:human_resources@txnd.uscourts.gov)

Resumes without code #06-02 will not be considered

**\*\*\* The Court is an Equal Opportunity Employer \*\*\***

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